

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA

FILED

NOV 10 2009

GLEN BURTON AKE,

Petitioner,

v.

RANDY WORKMAN, Warden,

Respondent.

WILLIAM B. GUTHRIE
Clerk, U.S. District Court

By _____
Deputy Clerk

Case No. CIV 09-277-RAW-KEW

OPINION AND ORDER

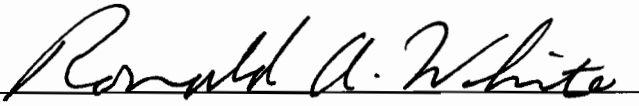
This matter is before the court on petitioner's petition for a writ of habeas corpus, filed pursuant to 28 U.S.C. § 2254. Petitioner, an inmate currently incarcerated at Oklahoma State Penitentiary in McAlester, Oklahoma, again is challenging his convictions and sentences in Canadian County District Court Cases Nos. CRF-1979-302, CRF-1979-303, CRF-1979-304, and CRF-1979-305.

The respondent has filed a motion to dismiss the petition for lack of subject matter jurisdiction, because it is a second or successive motion for relief that was not authorized by the Tenth Circuit Court of Appeals, pursuant to 28 U.S.C. § 2244(b)(3)(A). The record shows that the Court of Appeals denied the authorization on March 16, 2006, finding petitioner had failed to meet the requirements of 28 U.S.C. § 2244(b)(2). *In re Ake*, No. 09-7015 (10th Cir. Mar. 16, 2009). This court, therefore, lacks jurisdiction to review petitioner's successive habeas corpus petition.

ACCORDINGLY, the respondent's motion to dismiss [Docket #7] is GRANTED,

and this action is, in all respects, DISMISSED.

IT IS SO ORDERED this 16th day of November 2009.


RONALD A. WHITE
UNITED STATES DISTRICT JUDGE